

# **EXHIBIT B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL ESTRADA, individually	)	
and on behalf of others similarly	)	
situated,	)	CIVIL ACTION NO. 12-604
	)	
Plaintiff,	)	FILED ELECTRONICALLY
	)	
v.	)	
	)	
MAGUIRE INSURANCE AGENCY,	)	
INC.,	)	
	)	
Defendant.	)	
	)	

**DECLARATION OF JOSHUA F. ALLOY, ESQ.**

I, Joshua F. Alloy, Esq. declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the following is true and correct to the best of my knowledge:

1. I am an attorney at the law firm Proskauer Rose LLP and one of the counsel of record for Defendant Maguire Insurance Agency, Inc. (“Maguire” or “Defendant”) in this action. I make this Declaration on personal knowledge and submit it in support of Maguire’s Motion for Summary Judgment.

2. On November 14, 2012, Defendant’s counsel produced copies of Plaintiff’s entire APPS and Image Right log-in and log-out time records (totaling approximately 850 pages) to Plaintiff’s counsel. These records detail Plaintiff’s APPS and Image Right log-in and log-out times during his employment with Maguire.

3. Although the APPS records mistakenly indicate that they are in Eastern Standard Time, Defendant’s counsel specifically conveyed to Plaintiff’s counsel that they are in fact in

Central Standard Time. This is because the server on which they are maintained is in Central Standard Time.

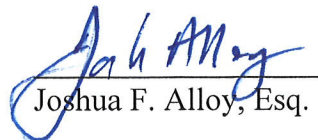
4. Although the Image Right records do not indicate the applicable time zone on their face, Defendant's counsel specifically conveyed to Plaintiff's counsel that the log-in and log-out time records (as well as the e-mails that were produced) are in Eastern Standard Time. This is because the server on which they are maintained is in Eastern Standard Time.

5. Because Plaintiff's standard working hours were from 8:30 a.m. to 5:00 p.m. Central Standard Time, it is readily apparent on their face that the APPS log-in and log-out times are shown in Central Standard Time since they typically show log-in times close to 8:30 a.m. and log-out times close to 5:00 p.m. Likewise, it is readily apparent on their face that the Image Right log-in and log-out records are shown in Eastern Standard Time since they typically show log-in times close to 9:30 a.m. and log-out times close to 6:00 p.m.

6. Attached as Exhibit C is a corrected chart that provides an accurate and complete account of Plaintiff's APPS and Image Right log-in and log-out times for the weeks identified in Plaintiff's chart (submitted in Plaintiff's opposition).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: February 15, 2013

  
Joshua F. Alloy, Esq.